



CLIFTON TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 1, 2011, 7:30PM
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124

Town Council Present: William Hollaway, Deborah Dillard, Wayne Nickum, Dwayne Nitz, John Powell, Chuck Rusnak

Town Officials Present: Marilyn Barton, Treasurer

Order of Business:

Mayor Bill Hollaway called the meeting to order at 7:30 p.m. and lead the Pledge of Allegiance.

1. **Review of the Minutes** (last regular meeting and any subsequent special meetings).

The Minutes of January 4, 2011 were reviewed as submitted. Mayor Bill Hollaway corrected Lynne's name to read *Lynne Garvey Hodge* on page 7, paragraph 1. He further corrected page 7, (5) Unfinished Business, a) Cox Status Update, to read *Deb Dillard confirmed that Cox should be out next week to install internet service. The agreement will be for one year.*

Motion: Wayne Nickum moved to approve the Minutes of the Jan 4, 2010 Town Council meeting as amended. Deborah Dillard duly seconded the motion and it was unanimously approved.

2. **Report of the Treasurer.**

Marilyn Barton presented the Treasurer's Report for the period ended January 31, 2011 as submitted to the Town Council. She highlighted the cash balances as of Jan. 30, 2011 of \$421,059.08, the total year-to-date revenues of \$107,102, expenses of \$66,522 and net income of \$40,580. Marilyn reported that Anderson White, CPA auditors were here on the 13-14th of January conducting an audit of FY10 financial records. The presentation is anticipated to be available for the March 2011 meeting. It was further noted that the Haunted Trail Event transactions are fully booked.

Motion: Wayne Nickum moved to approve the Treasurer's Report as submitted. The motion was duly seconded by Chuck Rusnak and it was unanimously approved.

3. **Reports of Planning Commission, Architectural Review Board, and Committees:**

- a. **Planning Commission:**

Kathy Kalinowski recommended approval of use permit for the addition of a screen porch requested for 12727 Clifton Heights Lane.

Motion: Wayne Nickum moved to approve the Planning Commission recommendation as presented. Dwayne Nitz duly seconded the motion and it was unanimously approved.

Kathy Kalinowski recommended approval of the \$8,000 grant application for funds to be administered by the Planning Commission in cooperation with a consultant to prepare the necessary modifications to the Town Chesapeake Bay Ordinance. She recommended that a signer be designated for the application. The grant proposal needs to be in by Feb.21st. Kathy reported that she intends to increase the request to \$10,000 and use her name as the contact. Wayne Nickum moved to approve the grant application with the changes noted, designating the mayor and vice mayor as authorized signers for the Town. Bill Hollaway duly seconded the motion and it was unanimously approved.

b. Architectural Review Board:

Dwayne Nitz reported that the ARB did meet last week. They walked through town and reviewed signs. The ARB wrote letters to businesses to address signs without ARB Certificate of Appropriateness approvals. These will be sent to the Town Council and will be sent out. A business in town installed vinyl replacement windows. The Town Council needs to notify them that this is against the ARB code. The Cleaners located at the Clifton House had the windows replaced by the landowners. Bill asked that the ARB draft the letter.

Motion: Wayne Nickum moved that ARB draft a letter, for Bill Hollaway's signature, about the direct violation and the application to replace the windows needs to be submitted for approval. If the application is not approved then the windows need to be replaced. Bill Hollaway seconded the motion and it was unanimously approved.

c. Committees:

i. Title of Town Green Space Property Reservationist:

Donna Netschert requested that the web site listing of her position be changed to avoid confusion with the Town Hall Manager.

Motion: Bill Hollaway moved change the listing on web for Bob Peterson to read Town Community Hall Manager & Reservationist and to change the listing for Donna Netschert to Town Parks Reservationist. Wayne Nickum duly seconded the motion and it was unanimously approved.

ii. Town Park Girl Scout Project:

Donna Netschert met with the Girl Scouts and the project is still in the planning stages.

iii. Haunted Trail Report:

John Powell reported that he completed the final accounting of the Haunted Trail. He reported that after deduction of expenses, some of capital nature, the proceeds of the event were about \$20,000 to \$21,000 to the town. All present commended John for an excellent event.

iv. CBC Celebrate Clifton Gala & Banners for Gala & Women's Club Homes Tour:

Judy McNamara requested approval to purchase of banner to go across the street at Trummer's. It is anticipated to cost about \$500 and she requested the Town Council's authorization. The Gala is planned for Sunday, May 16th to be held at Trummer's with live music, a silent auction and a raffle. The CBC is asking for participation and support help with businesses and corporate sponsors, as well as volunteers.

Bill Hollaway questioned ability to put up two banners there. Discussion followed. Wayne Nickum indicated that logistics with the telephone poles prevents hanging them straight across the road. He suggested that the banners go two, one above the other, on one set of poles. The requirement is 12.5 feet. Steve Effros noted that because of the angle, the weight in the middle caused interference with the trucks passing in the past.

Lynne Garvey Hodge introduced Pat Reidinger of the Clifton Women's Club. She reported that they usually put up their banner on the 19th of May. Wayne Nickum suggested they put up both for the same period of time.

Motion: Deb Dillard moved to approve up to \$ 750 to the CBC for the Trummer's Gala signage. John Powell duly seconded the motion and it was unanimously approved.

Lynne Garvey Hodge requested that the minutes reflect her understanding that the Clifton Women's Club received Town Council approval some time ago for placing their banner across Main Street each year for their Homes Tour, to extend to the year 2013.

v. Special Projects Committee:

Susan Yantis of the Special Projects Committee reported that she sent the Town Council the Scope of Services from Land Planning & Design Associates, LPDA for the Streetscape Master Plan for Main Street. She reported that it will provide 30 % design that will be implementable. She reported that the Town has money for public involvement and outreach. The LPDA will establish a website, will cover environmental approvals, and will involve the Town. They will provide cost estimates all along the way. Phasing plan will provide a time line, funding requirements and grant analysis for the town. This is a very strong scope of services for a streetscape master plan and the committee is very confident in the team and the amount of money available. Susan also added that there is an option in the contract to go forward with design for the triangle. *(See attached Special Projects Committee Report emailed from Susan Yantis to the Town Council on Feb. 1, 2011.)*

On behalf of the Special Projects Committee, Susan Yantis recommended "that the Town Council approve the Scope of Services between Land Planning & Design Associates (LPDA) and the Town of Clifton dated January 31, 2011 and authorize LPDA to submit the Scope of Services to VDOT for

their review and approval.” She further recommended “that the Town Council authorize the Mayor to execute the scope of services upon VDOT approval”.

Bill Hollaway asked whether for the remaining money, the Town will have to go through the same process over again. Susan replied affirmatively.

Susan indicated that the triangle can be implemented earlier than the whole project.

Motion: Dwayne Nitz moved to approve “the Scope of Services between Land Planning & Design Associates (LPDA) and the Town of Clifton dated January 31, 2011 and authorize LPDA to submit the Scope of Services to VDOT for their review and approval; and to authorize the Mayor to execute the scope of services upon VDOT approval. Wayne Nickum duly seconded the motion and it was unanimously approved.

Bill Hollaway commended Susan Yantis and the Special Projects Committee for their hard work.

4. Communications.

Bill Hollaway reported that he received a letter from Jennifer Heilmann requesting reconsideration of the decision made by the Town Council at the Jan 5, 2011 meeting to approve a Use Permit for the Heart of Clifton Restaurant. Bill reported that this will be considered under Unfinished Business.

5. Citizens’ Remarks:

Pat Reidinger reported that the Town’s website hasn’t been updated for some time. Chuck Rusnak replied that the website has been down and is in need of an update to the website server.

6. Unfinished Business:

a. Request for Reconsideration of Use Permit Approval for Heart of Clifton, Inc.:

Bill Hollaway stated that he received a request from Jennifer Heilmann, 12704 Chapel Road, requesting reconsideration of the decision made by the Town Council at the Jan 5, 2011 meeting to approve a Use Permit for the Heart of Clifton Restaurant. Bill moved that the Town Council reconsider and address the use permit action. Wayne Nickum seconded the motion and it was unanimously approved.

Bill Hollaway noted that in the easement agreement, it is explicit that for use permit purposes, parking spaces 1-10 should be credited to the party of the first part. Taken together with the offset issue, the owner of the property located at 12704 Chapel Rd. (the party of the first part) gets to count those spaces. Bill believes that this makes it clear for the record, that Jennifer Heilmann, owner of 12704 Chapel Rd, has the full right to retain all spaces for use permit purposes at all times. The action taken last month does in no way interfere with this. Jennifer clarified that the provided 4/30/89 document is the current version and it is the last agreement.

Motion: Bill Hollaway made a motion to clarify that the easement agreement dated 4/30/1989 provides that for use permit purposes, parking spaces #1 through #10 inclusive, are at all times credited to the party of the first part – the owner of 12704 Chapel Road. Wayne Nickum duly seconded the motion and it was unanimously approved.

Bill Hollaway added the following for clarification of the impact for the Heart of Clifton Use Permit because off double counting.

Motion: Bill Hollaway moved that the Town Council invoke the section of the parking section 9-13, c4, and the Town Council acknowledges that the Heart of Clifton can continue counting the 9 spaces (spaces 2-10) at 12704 Chapel Road between 6:00 p.m. and midnight as provided in the easement agreement for its parking requirements that were counted in the use permit approved at the Town Council meeting in Jan. 2011. In addition, those 9 spaces are part of the 30 spaces that were approved previously for 6:00 p.m. to midnight, based upon the long standing demonstrated use by the restaurant at that site with this easement.

Further discussion: Jennifer Heilmann asked if the spaces can be counted twice. Bill Hollaway replied affirmatively that they can be counted twice as noted in the code for this case as an exception.

John Powell cautioned that this is setting a precedent. Bill Hollaway disagreed with this since the Town of Clifton has 30 years use by a restaurant here as basis and the Town Council approves on case by case basis. John Powell said he is fine with motion.

The Town Council requested that the Easement Agreement be attached to the Minutes.

Second: Deb Dillard duly seconded the motion.

Kathy Kalinowski reported that there is an intensified use to an authorized 156 seats compared to the previous 88 seats of the Heart In Hand and cautioned that historical facts should not be used as the basis for the decision. Wayne Nickum added that the Town has also changed the parking code and that changes the situation.

Wayne Nickum clarified that the Town Council may modify requirements for parking for a particular use. Bill Hollaway noted that the Planning Commission recommended approval of the 156 seats for the Heart of Clifton. Steve Effros clarified that the Planning Commission is not arguing the exercise of discretion, just opposed to the using the term history. He recommended that the Town Council just state that discretion is used based upon review of this case.

Bill Hollaway stated that he leaves his motion as stated...

Vote: The motion was then unanimously approved.

b. Removal of Dumpsters and Truck from Leased Railroad Property:

Bill Hollaway asked Sheldon Hofferan for an update. Sheldon stated that the Heart In Hand moved out last week and the county wants the dumpsters back. Wayne Nickum stated that he will send email

to request removal of dumpsters. For the removal of the truck, Bill Hollaway stated that he will contact Sherry Harlow to request their removal.

c. Norfolk Southern Lease (possible Executive Session):

Bill Hollaway stated this will be discussed in executive session.

d. Railroad Parking Project – Status Update and Fence Design.

Dwayne Nitz stated that he had reviewed the new fence and wants to proceed to request bids.

Motion: Wayne Nickum moved that the bids be forwarded to Norfolk Southern for approval. Bill Hollaway duly seconded the motion.

Chuck Rusnak inquired if there will be offsets so the fence doesn't look like wall. Dwayne Nitz concluded that if it doesn't take spaces away from the parking area, this will be considered.

The motion was then unanimously approved.

7. New Business:

a. Farmers Market:

Debra Dillard reported that the Farmers' Market will be held on Saturday mornings. She reported that Sheldon Hofferma was asked to for use of space in the parking lot - the market will be the same place as last year. It will be primarily farmers - 6 farmers from 8:00 a.m. – 12:00 noon. Bill Hollaway asked that businesses be consulted. Deb reported that if problems arise, then the Town Council will address them.

b. Town Budget Process and Planning for FY2012 (Committee Input Needed):

Wayne Nickum stated that the budget process will be the same process as last year. Wayne sent out the process requesting input from all committees who need and/or use money. He asked that they please make sure to submit their requests – otherwise no funds will be allocated. The date due is 2/22 and the information should be given to the Treasurer. The budget must be approved before 6/30th. Wayne will lead the process which will start in March/April. Special meetings will be held as work sessions and they are public.

c. Plan for Web Site Improvements:

Chuck Rusnak stated that the website is being moved to a different website provider. He reported that he talked to Steffan Tengelsdal and Erich Russekrobbins. It will be \$35.00 per month for hosting a web which is currently in the town budget. Steffan and Erich will be moving the website to a new host. Erich spoke to Chuck last Friday and Chuck reported that the ball is in his court.

Bill Hollaway added that he received an unsolicited proposal to for involvement in website design for governments in Va. He reported that for less than \$5,000 they are willing to design a website for free. They are trying to break into the business and state that it would be free continuously. It will help them demonstrate their skills. It should be considered since it is free. Erich said that the Town's website now is different than a standard website for ease in use etc. – it is more than just webpage. He said he will look at it with Chuck to evaluate and will send recommendation. Chuck added that Steffan wants to propose using a different language for content management and will give the Town a proposal for what it would cost.

d. Fairfax County Water Authority Sewer Review Results:

Bill Hollaway indicated that this will be reported next month. They don't do sewer. They do admin function only.

e. Railroad Parking Use Permit Offset Plan.

Bill Hollaway reported that the Town has 11 spaces and is looking at another 22 spaces. He reported that Steve Effros put thought into this and asked Steve to synthesize the last discussion. Steve stated that the question this raises for the Town is how much should be charged, who pays for maintenance, how to deal with the offset issue. He suggested calculating the charge as percentage of the needed parking on any application form and that offsets only be available for a given percentage of their full need. This would avoid hording of the spaces.

Bill Hollaway added that businesses would not use offsets unless they already used all their own spaces. Bill suggested that Steve's write up be developed into a plan that the Town Council can consider for policy.

Motion: John Powell moved that the Town Council create a special committee headed by Steve Effros that will develop a policy for managing town managed parking spaces. Debra Dillard duly seconded the motion and it was unanimously approved.

Dwayne Nitz and Wayne Nickum expressed interest in participating in the new special committee.

f. Litter Control Grant – Town of Clifton *green bags*:

Wayne Nickum showed an example of a fabric shopping/tote bag to replace the use of plastic bags in the town to encourage a cleaner, healthier environment and reduce the use of plastic bags. Discussion followed about the design of the bag. Marilyn Barton suggested using the Town's caboose and the use of "Green Clifton" on the bags.

Motion: Wayne Nickum moved to use the Litter Control grant to purchase the bags. Bill Hollaway duly seconded the motion and it was unanimously approved.

8. Adjournment.

Motion: Wayne Nickum moved to adjourn at 9:30 p.m. and to go into executive session. Bill Hollaway duly seconded the motion and it was unanimously approved.

**RESOLUTION TO ENTER CLOSED SESSION
TOWN OF CLIFTON
CLOSED SESSION
February 1, 2011**

Pursuant to Virginia Code Section 2.2-3711, the Town of Clifton enters Closed Session for the following reasons:

- The Town Council met in executive session to consider legal matters that pertain to the Norfolk Southern Railroad Siding Lease Agreement with the Town of Clifton.

Motion: Bill Hollaway moved to close the executive session. Wayne Nickum duly seconded the motion and it was unanimously approved.

Motion: Bill Hollaway moved to adjourn. Wayne Nickum duly seconded and it was unanimously approved.

The Minutes of the February 1, 2011 Town Council Meeting was prepared by:

Marilyn Lane Barton, Treasurer
On behalf of Kathleen Barton, Town Clerk